

EXHIBIT C

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,)
 Plaintiff,)
 vs.) No. CV 10-03561 WHA
GOOGLE, INC.,)
 Defendant.)

-----)

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF JOHN ROSE
WEDNESDAY, FEBRUARY 15, 2012

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7 Videotaped Deposition of JOHN ROSE, taken on
8 behalf of Defendant, at Morrison & Foerster, 755 Page
9 Mill Road, Palo Alto, California, commencing at
10 9:47 a.m., Wednesday, February 15, 2012, before Sandra
11 Lee Hockin, CSR 7372.
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1 APPEARANCE OF COUNSEL:

2
3 FOR PLAINTIFF ORACLE AMERICA, INC.:
4

5 BOIES, SCHILLER & FLEXNER, LLP

6 BY: FRED NORTON, ESQ.

7 1999 Harrison Street, Suite 900

8 Oakland, California 94612

9 (510) 874-1000

10 fnorton@bsfllp.com
11

12 FOR DEFENDANT GOOGLE, INC.:
13

14 KEKER & NAN NEST

15 BY: REID P. MULLEN, ESQ.

16 633 Battery Street

17 San Francisco, California 94111-1809

18 (415) 773-6697

19 mullen@kvn.com
20

21 Also present:

22 Adam Del Rio, Videographer
23
24
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JOHN ROSE,

after having been duly sworn, testified as follows:

THE VIDEO OPERATOR: Good morning. My name
is Adam Del Rio of Veritext National Deposition and 09:43
Litigation Services. Today's date is Wednesday,
February 15, 2012. The approximate time is 9:47 a.m.

This deposition is being held at the office
of Morrison & Foerster located at 755 Page Mill Road
in Palo Alto, California. The caption of the case is 09:44
Oracle America, Incorporated versus Google,
Incorporated, being held in the United States District
Court for the Northern District of California. The
name of the witness today is John Rose.

At this time, will attorneys identify 09:44
themselves for the record and the parties they
represent, beginning with the questioning attorney,
please.

MR. MULLEN: Reid Mullen, Keker & Van Nest
for the defendant Google. 09:44

MR. NORTON: Fred Norton, Boies Schiller &
Flexner for plaintiff Oracle America.

THE VIDEO OPERATOR: Thank you. Will the
court reporter, Sandy Hockin, please administer the
oath and we may proceed. 09:45

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1 (Oath administered by the court reporter.)

2 MR. NORTON: So a housekeeping matter,
3 pursuant to the Court's order, we're producing some
4 documents this morning in both this deposition and in
5 Dr. Reinhold's. And so I'm going to hand you some 09:45
6 stacks of documents. One is a spreadsheet, and I have
7 three Redwells, which are identical. I'll hand you
8 one. I have an extra copy for the court reporter, and
9 I'll just hold my copy. You can use them, of course,
10 as you see fit, but rather than being forced to hand 09:45
11 things across the table to me, I'll hold on to my set.
12 And, for the moment, I'll put the court reporter's set
13 in front of you.

14 MR. MULLEN: Okay.

15 MR. NORTON: And then also, pursuant to the 09:45
16 court's order, documents that the engineers used in
17 providing information to Dr. Reinhold, these are all
18 documents that were previously produced in the case;
19 but because they were used, we brought another copy of
20 them to the deposition here today. 09:46

21 So there is one document here that was
22 produced in the course of the work by the engineers.
23 All these are -- all the documents that were not
24 previously produced by Google, have new Bates numbers.
25 These are all attorneys' eyes only, have highly 09:46

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1 confidential. And we will designate the entire
2 deposition today as attorneys' eyes only and highly
3 confidential.

4 And I think what I just gave you may have
5 three sets of identical documents. 09:46

6 MR. MULLEN: Three sets of the same
7 documents?

8 MR. NORTON: I'm sorry?
9 (Counsel examines documents.)

10 THE WITNESS: What did he say the date was? 09:47
11 (Discussion off the record.)

12 MR. NORTON: Now, there is a version of a
13 spreadsheet that was produced to Professor Cockburn
14 for reliance in his expert report. There are, of
15 course, earlier drafts of that Dr. Reinhold created 09:47
16 along the way. And it's our interpretation of Rule 26
17 and the Court's orders in this case and stipulation
18 between the parties that the interim drafts of
19 Dr. Reinhold's spreadsheet are not be produced, but if
20 there's some question about that we can talk about 09:47
21 that. I assume you want to talk about it off the
22 record so as not to use up your time.

23 MR. MULLEN: I think that's right.

24 MR. NORTON: Okay. So that's what I have for
25 you. 09:48

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1 MR. MULLEN: Okay.

2 EXAMINATION

3 BY MR. MULLEN:

4 Q. Good morning, Mr. Rose.

5 A. Good morning.

09:48

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 Q. And have you ever been deposed before?

09:48

11 A. No.

12 Q. Have you ever testified at trial before?

13 A. No.

14 Q. Ever testified under oath in any way?

15 A. I don't think so.

09:48

16 Q. Okay. Well, I'll just go over a few basic

17 ground rules for the deposition. I'm sure you

18 probably talked about this stuff with your attorney.

19 It's pretty straightforward, but I'll be asking the

20 questions; you'll be providing answers. It probably

09:48.

21 works best if you let me finish my question in full

22 before you start your answer, just because the court

23 reporter can only take down one of us; and so if you

24 wait for me to finish my questions, I'll wait for you

25 to finish your answers, and we should be okay there.

09:49

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1 MR. MULLEN: I don't have the list right in
2 front of me, so let's go off the record briefly. I
3 understand we have to change the tape. We don't need
4 to take a break, but we can just change the tape and
5 get back on the record. 12:08

6 THE VIDEO OPERATOR: This marks the end of
7 Disk No. 1 to the deposition of John Rose. The time
8 is 12:11 p.m., and we are off the record.

9 (Recess taken.)

10 THE VIDEO OPERATOR: This marks the beginning 12:11
11 of Disk No. 2 to the videotaped deposition of John
12 Rose. The time is 12:15 p.m., and we are back on the
13 record.

14 [REDACTED]
15 [REDACTED] 12:12

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

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21 [REDACTED]

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1 STATE OF CALIFORNIA) ss: .
2

3 I, SANDRA LEE HOCKIN, C.S.R. No. 7372, do hereby
4 certify:

5 That the foregoing deposition testimony was
6 taken before me at the time and place therein set
7 forth and at which time the witness was administered
8 the oath;

9 That the testimony of the witness and all
10 objections made by counsel at the time of the
11 examination were recorded stenographically by me,
12 and were thereafter transcribed under my direction
13 and supervision, and that the foregoing pages
14 contain a full, true and accurate record of all
15 proceedings and testimony to the best of my skill
16 and ability.

17 I further certify that I am neither counsel for
18 any party to said action, nor am I related to any
19 party to said action, nor am I in any way interested
20 in the outcome thereof.

21 IN WITNESS WHEREOF, I have subscribed my name
22 this 16th day of February, 2012.
23
24



25 SANDRA LEE HOCKIN, C.S.R. No. 7372